

THOMAS D. DILLARD, JR., ESQ.
Nevada Bar No. 006270
OLSON CANNON GORMLEY
& STOBERSKI
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 384-4012
Facsimile: (702) 383-0701
Attorney for Defendants CLARK COUNTY,
DAVID SCHWARTZ, CLARK PETERSON,
PAMELA WECKERLY, MARC DIGIACOMO,
BOB MILLER, STEWART BELL,
DAVID ROGER and STEVE WOLFSON

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * * *

FRANK LAPENA,

Plaintiffs.

vs.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, a government entity; CLARK COUNTY, a political subdivision of the State of Nevada and Government Entity; CHARLES LEE, an Individual and Police Officer and District Attorney Investigator; the Estate of CHARLES LEE; BEECHER AVANTS, an Individual and Police Officer and District Attorney Investigator; the Estate of BEECHER AVANTS; MICHELE WHITNEY, an Individual and Police Officer; O.R. "Ray" LYONS, an Individual and Police Officer; JERRY KELLER, an Individual and Sheriff, in his individual and official capacities; DAVID SCHWARTZ, an Individual and Prosecutor; MELVYN HARMON, an individual and Prosecutor; the Estate of MELVYN HARMON; CLARK PETERSON, an individual and Prosecutor; PAMELA WECKERLY, an individual and Prosecutor; MARC DIGIACOMO, an individual and Prosecutor; BOB MILLER, individual and District Attorney; STEWART BELL, an Individual and District Attorney; DAVID ROGER, an individual, Prosecutor and District Attorney; STEVE WOLFSON, an individual and District Attorney;

Defendants.

CASE NO. 2:21-cv-02170-JCM-NJK

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR
REPLY TO PLAINTIFF'S
OPPOSITION TO CLARK
COUNTY DEFENDANTS'
MOTION FOR PARTIAL
JUDGEMENT ON THE
PLEADINGS [ECF NO. 49]**
(Second Request)

1 **STIPULATION AND ORDER TO EXTEND DEADLINE FOR REPLY TO**
2 **PLAINTIFF'S OPPOSITION TO CLARK COUNTY DEFENDANTS' MOTION FOR**
3 **PARTIAL JUDGMENT ON THE PLEADINGS [ECF NO. 49]**
4 **(Second Request)**

5 The Parties, by and through their counsel of record, hereby stipulate and agree as
6 follows:

7 **I. PROCEDURAL HISTORY AND REASON FOR THE STIPULATION**

8 1. On January 18, 2022, the Parties filed a stipulation and order to withdraw the
9 Clark County Defendants' Motion for Partial Judgment on the Pleadings and the LVMPD
10 Defendants' Motion for Partial Dismissal [ECF No. 47], which the Court granted on January 31,
11 2022 [ECF No 58].

12 2. On January 28, 2022, Clark County Defendants filed their Answer to Plaintiff's
13 Amended Complaint, and a new Motion for Partial Judgment on the Pleadings. [ECF Nos. 48 &
14 49].

15 3. On February 14, 2022, the Court approved a Stipulation to Extend Deadline for
16 Plaintiff to Respond to: The Clark County Defendants' Motion for Partial Judgment on the
17 Pleadings [ECF 49]; and The LVMPD Defendants' Second Motion for Partial Dismissal [ECF
18 No. 65]; and Order (First Request), with Plaintiff's response to the Clark County Defendants'
19 Motion for Partial Judgment on the Pleadings extended to March 18, 2022 and the Reply thereto
20 to be filed by April 1, 2022. [ECF No. 76].

21 4. On March 18, 2022, Plaintiff filed an opposition to the Clark County Defendants'
22 Motion for Partial Judgment on the Pleadings. [ECF No. 85].

23 5. Counsel for the Clark County Defendants recently has had a death in the family
24 that has caused a disruption to the office time needed to prepare a reply on or before April 1,
25 2022 and therefore requests an additional week.

26 ///

27 ///

28 ///

1 **II. STIPULATION AND ORDER**

2 Based upon the foregoing, the parties hereby STIPULATE TO THE FOLLOWING:

3 1. The Clark County Defendants' Reply to Plaintiff's Opposition to Clark County
4 Defendants' Motion for Partial Judgment on the Pleadings [ECF No. 49] would be extended
5 **from April 1, 2022 to April 8, 2022.**

6 IT IS SO STIPULATED this 24th day of March, 2022.

7
8
9
10 THE LAW OFFICE OF
11 KRISTINA WILDEVELD &
12 ASSOCIATES

13 */s/ Lisa Rasmussen*
14 Kristina Wildeveld, Esq.
15 Lisa Rasmussen, Esq.
16 Richard Bryant, Esq.
17 THE LAW OFFICE OF KRISTINA
18 WILDEVELD & ASSOCIATES
19 550 E. Charleston Blvd. Ste A
20 Las Vegas, NV 89101
21 Kristina@veldlaw.com
22 Richard@veldlaw.com
23 Paralegal2@veldlaw.com
24 Attorney for Plaintiff

25 MARQUIS AURBACH

26 */s/ Craig Anderson*
27 Craig R. Anderson, Esq.
28 Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145
smong@maclaw.com
canderson@maclaw.com
Attorneys for Defendants,
LVMPD, Ofc. Michele Whitney and
Sheriff Jerry Keller

OLSON CANNON GORMLEY &
STOBERSKI

/s/ Thomas D. Dillard, Jr.
THOMAS D. DILLARD, JR., ESQ.
Nevada Bar No. 6270
9950 W. Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Clark County Defendants
CLARK COUNTY, DAVID
SCHWARTZ, CLARK PETERSON,
PAMELA WECKERLY, MARC
DIGIACOMO, BOB MILLER,
STEWART BELL, DAVID ROGER
and STEVE WOLFSON

ORDER

IT IS SO ORDERED this 25th day of March, 2022, that the Clark County Defendants' Reply in Support of their Motion for Partial Judgment on the Pleadings [ECF 49] be extended from April 1, 2022 to April 8, 2022.

James C. Mahan
United States District Court Judge

Law Offices of
OLSON CANNON GORMLEY & STOBERSKI
A Professional Corporation
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
(702) 384-4012 Teletypewriter (702) 383-0701

CERTIFICATE OF SERVICE

I hereby certify that I am employed in the law offices of OLSON CANNON GORMLEY & STOBERSKI, and that on the 24th day of March, 2022, I served a copy of the foregoing, **STIPULATION AND ORDER TO EXTEND DEADLINE FOR REPLY TO PLAINTIFF'S OPPOSITION TO CLARK COUNTY DEFENDANTS' MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS [ECF No. 49] Second Request**

in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List, (or, if necessary, by U.S. Mail, first class, postage pre-paid, or via email), upon the following:

Kristina Wildeveld, Esq.
Lisa Rasmussen, Esq.
Richard Bryant, Esq.
THE LAW OFFICE OF
KRISTINA WILDEVELD & ASSOCIATES
550 E. Charleston Blvd. Ste A
Las Vegas, NV 89101
Kristina@veldlaw.com
Richard@veldlaw.com
Paralegal2@veldlaw.com
Attorney for Plaintiff

Craig R. Anderson, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, NV 89145
smong@maclaw.com
canderson@maclaw.com
Attorneys for Defendants,
LVMPD, Ofc. Michele Whitney and
Sheriff Jerry Keller

/s/ Jessica Kaufman
An employee of OLSON CANNON
GORMLEY & STOBERSKI

Jessica Kaufman

From: Lisa Rasmussen <Lisa@veldlaw.com>
Sent: Thursday, March 24, 2022 4:05 PM
To: Jessica Kaufman; Alex Loglia
Subject: RE: La Pena v. LVMPD

Approved by me.

Lisa

Lisa A. Rasmussen, Esq.
Senior Attorney
Law Offices of Kristina Wildeveld & Associates
550 E. Charleston Blvd., Suite A
Las Vegas, NV 8910
(702) 222-0007
Fax: (702) 222-0001

Sent from Mail for Windows

From: Jessica Kaufman
Sent: Thursday, March 24, 2022 4:02 PM
To: Alex Loglia
Cc: Lisa Rasmussen
Subject: RE: La Pena v. LVMPD

Good Afternoon,

Pursuant to our conversations, attached, please find a copy of the proposed Stip & Order to Extend Time to file a Reply to PI's Opp to CC's Motion for Partial Judgement on the Pleadings (ECF No. 49). Please review and advise with any proposed changes; alternately, please give the "ok" to use electronic signatures?

Thank You for your attention to this matter,

From: Alex Loglia <Alex@VeldLaw.com>
Sent: Wednesday, March 23, 2022 12:29 PM
To: Jessica Kaufman <jkaufman@ocgas.com>
Cc: Lisa Rasmussen <Lisa@veldlaw.com>
Subject: FW: La Pena v. LVMPD

Hi Jessica,

Please see the email below from Ms. Rasmussen regarding the extension request. Tried to call but you were not available.

Have a good day.

Jessica Kaufman

From: Craig Anderson <canderson@maclaw.com>
Sent: Thursday, March 24, 2022 11:27 AM
To: Jessica Kaufman; alex@veldlaw.com; kristina@veldlaw.com; Sherri Mong
Cc: Linda Roth; Tom Dillard
Subject: RE: La Pena Stip & Order Extending Deadline to Reply 2nd Reqt

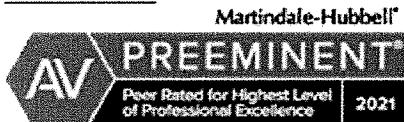
Ok by me.

Craig



Craig R. Anderson, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.942.2136
f | 702.382.5816
canderson@maclaw.com | [vcard](#)
maclaw.com



 Please consider the environment before printing this e-mail!

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach - Attorneys at Law

From: Jessica Kaufman <jkaufman@ocgas.com>
Sent: Thursday, March 24, 2022 11:12 AM
To: alex@veldlaw.com; kristina@veldlaw.com; Sherri Mong <SMong@maclaw.com>; Craig Anderson <canderson@maclaw.com>
Cc: Linda Roth <lroth@ocgas.com>; Tom Dillard <tdillard@ocgas.com>
Subject: [External] La Pena Stip & Order Extending Deadline to Reply 2nd Reqt

Good Afternoon,

Pursuant to our conversations, attached, please find a copy of the proposed Stip & Order to Extend Time to file a Reply to PI's Opp to CC's Motion for Partial Judgement on the Pleadings (ECF No. 49). Please review and advise with any proposed changes; alternately, please give the "ok" to use electronic signatures?

Thank You for your attention to this matter,

Jes Kaufman,
Legal Assistant to